

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Simon John Knee *et al.* Examiner: Sargon N Nano
Serial No: 10/660,055 Art Unit: 2157
Filed: September 10, 2003 Confirmation No.: 7300

For: **MULTI-PROTOCOL AND MULTI-FORMAT STATEFUL PROCESSING**

DECLARATION UNDER 37 C.F.R. § 1.131

1. We, Simon Knee, Brian Petry and Fazil Osman, are the named co-inventors of the above-referenced patent application (the “‘055 application”).

2. We understand that all of the claims of the ‘055 application have been rejected as being anticipated by and/or obvious over Osman et al. (U.S. Patent Application Publication No. 2004/0024894) and that the effective date of Osman as prior art for purposes of the rejections is August 2, 2002 (the “Critical Date”).

3. Prior to the Critical Date, we conceived of the inventions of claims 1, 18 and 29 of the ‘055 application as evidenced by the documents included in Exhibits A-G.

4. Exhibit A, entitled “Astute Content Processor Architecture” and dated June 20, 2001, provides a description of a stateful processing unit named the “Astute Content Processor” or “ACP”. The ACP includes, among other elements, a Dispatcher, Flow Director Cam (FDC) and LookUp Controller (LUC) capable of cooperating to implement the inventions of claims 1, 18 and 29 of the ‘055 application in the manner described below.

5. Exhibit B, entitled “Dispatcher High Level Design” and dated April 30, 2002, provides a description of the Dispatcher included within the ACP.

6. Exhibit C, entitled “Flow Director Cam (FDC) High Level Design” and dated May 10, 2002, provides a description of the FDC included within the ACP.

7. Exhibit D, entitled “LookUp Controller (LUC) High Level Design” and dated April 6, 2002, provides a description of the LUC included within the ACP.

8. Exhibit E, entitled, “Packet Processor High Level Design”, and dated April 17, 2002, provides a description of the Packet Processor (PP) included within the ACP.

9. Exhibit F, entitled “Input Processing Unit High Level Design”, and dated June 13, 2002, provides a description of the Input Processing Unit (IPU) included within the ACP.

10. Exhibit G is a disclosure document relating to the ‘055 application which identifies various inventive concepts which are described in Exhibits A-F and claimed in the ‘055 application. In particular, the disclosure document of Exhibit G identifies portions of certain of Exhibits A-F corresponding to the elements of claims 1, 18 and 29 of the ‘055 application. Because each of Exhibits A-F antedate the Critical Date, we respectfully submit that the inventions of the ‘055 application were conceived prior to the Critical Date.

11. As has been explained above with reference to Exhibits A-F, the ACP implements the elements of at least claims 1, 18 and 29 of the ‘055 application. Prior to the Critical Date, various descriptions of the ACP were provided to the IBM Microelectronics Division in the form of, for example, a floor plan netlist (“FP netlist”), a preliminary netlist (“Preliminary NL”) and a production netlist (“Prod. NL”). Moreover, on or about May 14, 2002, a complete Register Transfer Level (RTL) description of the ACP was provided to the IBM Microelectronics Division for development of the final circuit-level description to be used in creating prototypes of the ACP. See, e.g., Exhibit H, which is a screen shot of a user interface screen generated by a computer program used by the IBM Microelectronics Division in tracking milestones in the design and development of the ACP. This final description, or “tape-out”, of the ACP was used in fabrication of prototypes of the ACP received on or about November 13, 2002. See, e.g.,

Exhibit I, which is a Packing List and Sales Invoice associated with the shipment of ACP prototypes received from IBM Microelectronics Division on or about November 13, 2002.

12. As evidenced by the fact that an RTL description of the ACP was sent to a third party for generation of tape-out information and subsequent fabrication of prototypes of the ACP, we respectfully submit that diligence was exercised from a time prior to the Critical Date until the actual reduction to practice of the inventions of the '055 application in the form of prototypes of the ACP.

13. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Fazil Osman

Date 2 June 2008



Simon Knee

Date 5/29/08

Brian Petry

Date _____

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Fazil Osman

Date _____


Simon Knee

Date _____


Brian Petry

Date 6-2-08